

1	UNITED STATES DISTRICT COURT	
2	DISTRICT OF NEVADA	
3	FRANCISCO G. ESCAMILLA,	Case No. 2:20-cv-01621-RFB-VCF
4		<b>ORDER</b>
5	v.	
6	BELVIN, et al.,	
7		Defendants
8		

## 9 I. DISCUSSION

10 On September 1, 2020, Plaintiff, an inmate in the custody of the Nevada  
11 Department of Corrections (“NDOC”), submitted a civil rights complaint under 42 U.S.C.  
12 § 1983. (ECF No. 1-1). Plaintiff has neither paid the full \$400 filing fee for this matter nor  
13 filed an application to proceed *in forma pauperis*.

14 Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin  
15 a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil  
16 action without prepaying the full \$400 filing fee. To apply for *in forma pauperis* status, the  
17 inmate must submit all three of the following documents to the Court:

- 18 (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this  
19 Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on  
20 page 3),
- 21 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail  
22 official (i.e. page 4 of this Court’s approved form), and
- 23 (3) a copy of the **inmate’s prison or jail trust fund account statement for the**  
24 **previous six-month period**.

25 The Court notes Plaintiff did submit his financial certificate and inmate account  
26 statement (ECF No. 1-2), however, Plaintiff must submit all three of the above-referenced  
27 documents, including pages 1 through 3 of this Court’s application to proceed *in forma*  
28 *pauperis*.

1           The Court will grant Plaintiff a one-time opportunity to file a fully complete  
 2 application to proceed *in forma pauperis* containing all three of the required documents,  
 3 or in the alternative, pay the full \$400 filing fee for this action on or before **November 3,**  
 4 **2020.** Absent unusual circumstances, the Court will not grant any further extensions of  
 5 time.

6           If Plaintiff is unable to file a fully complete application to proceed *in forma pauperis*  
 7 with all three required documents or pay the full \$400 filing fee on or before **November**  
 8 **3, 2020**, the Court will dismiss this case without prejudice for Plaintiff to file a new case  
 9 with the Court when Plaintiff is either able to acquire all three of the documents needed  
 10 to file a fully complete application to proceed *in forma pauperis* or pays the full \$400 filing  
 11 fee.

12           A dismissal without prejudice means Plaintiff does not give up the right to refile the  
 13 case with the Court, under a new case number, when Plaintiff has all three documents  
 14 needed to submit with an application to proceed *in forma pauperis*. Alternatively, Plaintiff  
 15 may choose not to file an application to proceed *in forma pauperis* and instead pay the  
 16 full filing fee of \$400 on or before **November 3, 2020** to proceed with this case.

17           The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but the Court  
 18 will not file the complaint unless and until Plaintiff timely files a fully complete application  
 19 to proceed *in forma pauperis* with all three documents or pays the full \$400 filing fee.

20 **II. CONCLUSION**

21           For the foregoing reasons, IT IS ORDERED that the Clerk of the Court will send  
 22 Plaintiff the approved form application to proceed *in forma pauperis* by an inmate, a copy  
 23 of his financial certificate and inmate account statement (ECF No. 1-2), as well as the  
 24 document entitled information and instructions for filing an *in forma pauperis* application.

25           IT IS FURTHER ORDERED that on or before **November 3, 2020**, Plaintiff will  
 26 either pay the full \$400 filing fee for a civil action (which includes the \$350 filing fee and  
 27 the \$50 administrative fee) or file with the Court:

28           (1) a completed Application to Proceed in Forma Pauperis for Inmate on this

1 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two  
2 signatures on page 3),  
3 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail  
4 official (i.e. page 4 of this Court's approved form), and  
5 (3) a copy of the **inmate's prison or jail trust fund account statement for the**  
6 **previous six-month period.**

7 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete  
8 application to proceed *in forma pauperis* with all three documents or pay the full \$400  
9 filing fee for a civil action on or before **November 3, 2020**, the Court will dismiss this  
10 action without prejudice for Plaintiff to refile the case with the Court, under a new case  
11 number, when Plaintiff has all three documents needed to file a complete application to  
12 proceed *in forma pauperis* or pays the full \$400 filing fee.

13 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint  
14 (ECF No.1-1) but will not file it at this time.

15 DATED: 9-4-2020



16  
17 UNITED STATES MAGISTRATE JUDGE  
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